

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY COURTNEY, #253078,)	
)	
Plaintiff,)	Case No. 1:07-cv-1130
)	
v.)	Honorable Janet T. Neff
)	
DAVID J. BURNETT, et al.,)	
)	
Defendants.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>ON MOTION FOR PRELIMINARY</u>
)	<u>INJUNCTION</u>

This is a civil action brought *pro se* by a state prisoner pursuant the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-2(a), and 42 U.S.C. § 1983. Plaintiff is currently an inmate at the Parnall Correctional Facility (SMT), located in Jackson, Michigan. The events giving rise to this lawsuit occurred in April 2006 while plaintiff was an inmate at the Florence Crane Correctional Facility (ACF), located in Coldwater, Michigan.

The matter is now before the court on plaintiff's motions for a preliminary injunction. (docket # 3, 51). Plaintiff's motions request a court order compelling the defendants to provide plaintiff with "a Kosher [d]iet as Plaintiff was receiving when he was removed in April 2006." (docket # 3 at 1; docket # 51 at 1). It is undisputed that on April 14, 2008, plaintiff was reinstated to a Kosher diet line. (docket # 60, Ex. A). I find that plaintiff's motions have been rendered moot by the change of plaintiff's place of confinement to SMT, and his April 2008 reinstatement to a Kosher diet line. *See Kensu v. Haigh*, 87 F.3d 172, 175 (6th Cir. 1996); *see also Henderson v. Martin*, 73 F. App'x 115, 117 (6th Cir. 2003).

Recommended Disposition

For the reasons set forth herein, I recommend that plaintiff's motions for a preliminary injunction (docket #'s 3, 51) be denied as moot.

Dated: September 23, 2008

/s/ Joseph G. Scoville
United States Magistrate Judge

NOTICE TO PARTIES

Any objections to this Report and Recommendation must be filed and served within ten days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). All objections and responses to objections are governed by W.D. MICH. LCivR 72.3(b). Failure to file timely objections may constitute a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *McClanahan v. Commissioner*, 474 F.3d 830, 837 (6th Cir. 2006); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *Spencer v. Bouchard*, 449 F.3d 721, 724-25 (6th Cir. 2006); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).